

Remarks

In response to the Office Action dated September 11, 2007, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 31-33 and 36-42 are currently pending. Claims 33, 36-38 and 42 have been amended. No new matter has been added. Applicant respectfully asserts that all claims are in condition for allowance as set forth more fully below.

Interview Summary

A telephone interview was conducted on December 4 between the undersigned, Examiner Le, and her supervisor, Examiner Matar. During the interview the deficiencies of the references were discussed. Specifically, it was discussed that none of Masek, Riskin, Crockett or Greenberg describes “storing the subscription code in a look up table”. During the interview the Examiner Matar confirmed that neither Masek or Riskin describes “storing the subscription code in a look up table”.

However, Examiner Matar asserted inherency as a new grounds for rejection in that because Riskin merely describes using a 1-800 number that the 1-800 number is a subscription code and that it is inherent that the 1-800 is stored in a look up table somewhere. No agreements were reached and the Examiner requested that written amendments and arguments be submitted.

103 Rejections

Claims 31-33 and 36-38

Claims 31-33 and 36-38 stand rejected under 35 USC 103(a) as being unpatentable over Masek (US Pat. 5,272,749) in view of Riskin (US Pat. 4,757,267) and further in view of Greenberg (US Pat App. 2001/0038624). Applicant respectfully traverses the rejections.

It is respectfully submitted that the combination of Masek, Riskin and Greenberg fails to describe each of the features recited in claim 31. For example, amended independent claim 31 recites, in pertinent part:

“[a] method for providing subscription code services in a geographical area, the method comprising...storing the subscription codes in a look up table...the look up table containing associations of the subscription code to multiple telephone numbers each telephone number being associated with a different subscriber ...”.

On page 3, the Office Action expressly concedes that Masek does not describe “...storing the subscription codes in a look up table... the look up table containing associations of the subscription code to multiple telephone numbers each telephone number being associated with a different subscriber ...”. The Office Action then implicitly concedes that neither Riskin nor Greenberg cures the conceded discrepancy in Masek by failing to assert that either of Riskin or Greenberg describes “storing the subscription codes in a look up table...” Applicants respectfully note that the Office Action cannot cite Riskin or Greenberg directly to cure Masek because none of Riskin, Greenberg or their combination describes “storing the subscription codes in a look up table”.

Riskin describes requiring human operators (or touch-tone technology) to determine the product or service being sought by the customer. The determination of a product or a service is not done by looking up a subscription code. The customer merely dials a “1-800” number and a telephone system computer (or human operator) then interacts with the customer to acquire the desired product information verbally from the customer and then determines the caller’s telephone number. (Col. 3, l. 59-67). The customer’s telephone number is then used to look up a service/product vendor closest to the caller’s central office, the product or service being identified by the caller’s verbal input. Riskin does not describe storing subscription codes [allocated to services] in a look up table because any look-up is being done using a relationship between phone numbers and geographic locations and not between a subscription code and a telephone number. Riskin simply does not describe utilizing subscription codes in a look-up table and, therefore, does not describe storing any subscription codes in a look up table. As such, Riskin does not cure Masek for at least this reason.

Greenberg is concerned with IP telephony and does not describe storing

subscription codes [allocated to] services in a look up table. Greenberg describes associating a computer IP address with a pseudo telephone number via a dedicated icon on a vendor web page (¶¶0013,0044). Greenberg also describes the use of Customer ID's to identify a calling party but Greenberg fails to describe the use of subscription codes [allocated to] services or the storing such subscription codes in a look up table. Greenberg simply does not describe "...storing the subscription codes [allocated to services] in a look-up table..."

In light of the foregoing, Applicant respectfully asserts that none of Masek, Riskin, Greenberg or their combination describes "...storing the subscription codes in a look up table" and therefore fails to establish a prima facie case of obviousness. As such independent claim 31 is allowable over the combination of Masek, Riskin and Greenberg for at least this reason.

Independent claims 33 and 36 recite similar subject matter and are therefore allowable for at least this reason. Claims 32 and 37-38 depend from an allowable independent claim 31, 36 or 39 and are allowable for at least this same reason

Independent claim 31 recites additional subject matter not described by the combination of Masek, Riskin and Greenberg. Independent claim 31 recites, in pertinent part:

"...retrieving a telephone number from the look up table containing **associations of the subscription code to multiple telephone numbers** each telephone number being associated with a different subscriber corresponding to different originating regions based at least in part on the subscription code..."

Applicants respectfully point out that the combination of Masek, Riskin and Greenberg fails to describe a "... look up table containing **associations of the subscription code to multiple telephone numbers** each telephone number being associated with a different subscriber ...". The Office Action expressly concedes that Masek fails to describe these recitations. The Office Action proceeds by asserting that Riskin describes "...a table containing associations of the subscription code to multiple telephone numbers corresponding to different originating regions based at least in part on the subscription code..." and cites the Abstract (l. 1-10) in support.

As discussed above, Riskin describes requiring human operators (or touch-tone technology) to determine the product or service being sought by the customer, not a

subscription code. The customer merely dials a “1-800” number and a telephone system computer (or human operator) then talks with the customer to acquire the desired product information verbally from the customer and then determines the caller’s telephone number. (Col. 3, l. 59-67). **The customer’s telephone number is then used to look up a service/product vendor closest to the caller’s central office**, the product or service being identified by the caller’s verbal input. Riskin does not describe “...a table containing associations of the subscription code to multiple telephone numbers...” There are simply no subscription codes described in Riskin.

Without conceding to the correctness thereof, even if the “1-800” number could be construed as a subscription code, the “1-800” number is actually a specific, direct-dial to a dealer/service company that owns the V-H file just for their service. The “1-800” number is merely used to call an operator at the dealer who determines the customer’s telephone number. The customer’s **telephone number** is then used to look-up the 1-3 specific vendor telephone numbers.

Therefore, if the “1-800” is being construed as a subscription code, it is not being used to look up the vendor telephone numbers in the vertical-horizontal (V-H) file. The V-H file actually contains associations of the customer’s telephone number and the telephone numbers of service providers close to the customer. The V-H file does not contain associations of the “1-800” numbers to multiple vendor telephone numbers. As such, Riskin fails to describe the subject matter described to Riskin by the Office action.

Greenberg concerns itself with IP telephony and does not describe “...a table containing associations of the subscription code to multiple telephone numbers...” . Greenberg describes associating an computer IP addresses with a pseudo telephone number via a dedicated icon on a vendor web page (¶¶0013,0044) and also describes the use of Customer ID’s to identify a calling party but fails to describe the use of subscription codes [allocated to] services or storing such subscription codes in a look up table. Greenberg does not describe “...storing the subscription codes [allocated to services] in a look-up table...”

Because none of Masek, Riskin nor Greenberg describes “...a table containing associations of the subscription code to multiple telephone numbers each telephone number being associated with a different subscriber ...” the Office Action has not

established a prima facie conclusion of obviousness since the combination of Masek, Riskin and Greenberg fails to describe each and every claim element. As such, amended independent claim 31 is allowable over the combination of Masek, Riskin and Greenberg for at least these additional reasons. Independent claim 33 recites similar subject matter and is therefore allowable for the same reasons. Claims 32 depends from an allowable independent claim 31 and is therefore allowable for at least the same reasons.

However, during the December 4 telephone interview, Examiner Matar raised inherency as a new, alternative ground of rejection asserting that a 1-800 number is a subscription code and that a 1-800 number is stored in a look-up table, somewhere in the telephone switching system. However, Applicant respectfully disagrees.

The claim and the references must each be taken as a whole. MPEP 2141.02. As such, Applicant respectfully notes that independent claim 31 recites more fully that the method includes “storing the subscription codes in a look up table ...**the look up table containing associations of the subscription code to multiple telephone numbers each telephone number being associated with a different subscriber...**”

To establish inherency, the reference must make clear that the missing descriptive material is **necessarily** present in the thing described in the reference. The mere fact that a certain thing may result from a certain set of circumstances is insufficient. MPEP 2112. Applicant respectfully asserts that it is NOT necessarily the case that with a 1-800 number the 1-800 number is stored in a look up table such that the look up table contains **associations of the 1-800 number to multiple telephone numbers where each telephone number is associated with a different subscriber.**

1-800 numbers are unique national toll free telephone numbers that may or may not spell out a catchy alphabetic word(s) when typed out on a telephone key pad. 1-800 numbers belong to and are paid for by a single **subscriber**. Applicants respectfully assert that it not necessarily the case that a 1-800 number would be stored in a look up table that associates the 1-800 number to multiple telephone numbers where each telephone number is associated with a **different subscriber**. In fact, Applicant notes that a single traditional 1-800 number associated with multiple and different subscribers would create an ambiguity within the telephone system.

The resolution of such an ambiguity relates to the subject matter of the

Applicant's disclosure. It would be an improper use of hindsight by one of ordinary skill in the art after reading the subject matter of the Applicant's disclosure to then use the Applicant's disclosure to remedy the ambiguity. Therefore, because the Examiner's assertion of inherency fails to meet the "necessarily flows" standard for a proper assertion of inherency and involves the improper use of hindsight, the rejection of independent claim 31 still fails for at least this reason.

Further, in order to establish a motivation to combine, there must be some reasonable chance that such a combination would be successful. (MPEP 2143.02). The Office Action relies on Riskin as describing the determination of an originating region from which the call was initiated. Riskin uses a human operator (or a voice response unit) to determine the service/product desired by the customer then uses the customer's phone number to find a location closest to the customer's central office. However, since Masek describes a digit-by-digit translation to come up with a specific telephone number of the service/product vendor and Riskin describes using a "closest neighbor" approach to find the specific telephone number, modifying Masek by replacing the digit-by-digit translation approach Riskin method would necessarily require that the principal of operation of Masek be changed or abandoned. Therefore there would be no motivation for one of ordinary skill in the art to combine the Masek and Riskin references since the Masek digit-by-digit translation and Riskin's nearest neighbor methods both are concerned with determining a single telephone number which to terminate the call, each method appears to be mutually exclusive of the other. (MPEP 2143.01). Because there is not motivation to combine Masek with Riskin, the Office Action has failed to establish a prima facie case of obviousness. Therefore, independent claim 31 is allowable over the combination of Masek, Riskin and Greenberg for this additional and independent reason. Independent claims 33 and 36 recite similar subject matter and are allowable over the combination of Masek, Riskin and Greenberg for at least this additional and independent reason. Claims 32 and 37-38 depend from an allowable independent claim 31 or 36 and are allowable for at least the same reasons discussed above.

Claim 33

Amended independent claim 33 recites, in pertinent part:

“[a] method for providing subscription code services in a geographical area, the method comprising... provisioning a customized dialing plan trigger on at least one switch within the geographical area, wherein the customized dialing plan trigger is adapted to detect calls initiated by callers using one of the subscription codes;

sending an Info_Analyze message to query the controller for call routing instructions when a call initiated by a caller using the subscription code is detected at a switch, the query including a translation type, an origination point code, the subscription code and a time of day when the call was initiated;

receiving an Analyze_Route message containing a plurality of telephone numbers from the look up table containing associations of the subscription code to multiple telephone numbers based at least in part on the subscription code and the time of day when the call was initiated, wherein the telephone numbers are substantially permanently assigned to the subscription code...”

Applicant respectfully asserts that the combination of Masek, Riskin and Greenberg fails to describe “...provisioning a customized dialing plan trigger on at least one switch within the geographical area, wherein the customized dialing plan trigger is adapted to detect calls initiated by callers using one of the subscription codes...”

Applicant respectfully asserts that the combination of Masek, Riskin and Greenberg fails to describe “...sending an Info_Analyze message to query the controller for call routing instructions when a call initiated by a caller using the subscription code is detected at a switch, the query including a translation type, an origination point code, the subscription code and a time of day when the call was initiated...”

Applicant respectfully asserts that the combination of Masek, Riskin and Greenberg fails to describe “...retrieving an Analyze_Route message containing a plurality of telephone numbers from the look up table containing associations of the subscription code to multiple telephone numbers based at least in part on the subscription code and the time of day when the call was initiated, wherein the telephone numbers are substantially permanently assigned to the subscription code...”

Applicants respectfully note that for the most part the Office Action completely ignores the claim recitations repeated above. The Office Action does assert that Masek describes “sending a Info-Analyze message to query the controller for call routing instructions when a call initiated by a caller using a subscription code is detected at a switch”.

The Office Action cites Col. 3, l. 65-Col. 4, l. 4 in support of its assertions. However, the cited portion of Masek merely describes that the central office gives the calling customer a dial tone when he takes his phone off hook and connects the phone to a digit receiver and that the customer dials the subscriber created number which is stored in a scratch register. The Applicant respectfully asserts that Masek utterly fails to describe at least one, and not limited to:

- 1) provisioning a **customized dialing plan trigger** on at least one switch within the geographical area, wherein the customized dialing plan trigger is adapted to detect calls initiated by callers using one of the subscription codes;
- 2) sending an **Info_Analyze** message to query the controller for call routing instructions;
- 3) the query including a **translation type, an origination point code, the subscription code and a time of day when the call was initiated**; and
- 4) receiving an **Analyze_Route** message;

An Info_Analyze message, a customized dial plan trigger, and Analyze_Route message, translation type and an origination point code are all specific features of claim 33. Applicants respectfully note that neither of Riskin nor Greenberg cures the deficiencies of Masek by describing the above claim elements. As such, since independent claim 33 contains at least one additional element not described by the combination of Masek, Riskin and Greenberg independent claim 33 is allowable over the combination of Masek, Riskin and Greenberg for at least these additional reasons.

Claims 39-40 and 42

Claims 39-42 stand rejected under 35 USC 103(a) as being unpatentable over Masek in view of Riskin and further in view of Crockett (US Pat. 5,590,188). Applicant respectfully traverses the rejections.

Amended independent claims 39, 41 and 42 each recite similar recitations. As a representative sample, amended independent claim 39 recites, in pertinent part:

“[a] method for providing subscription code services in a geographical area, the method comprising...storing the subscription codes in a look up table...retrieving a plurality of telephone numbers from a **look up** table containing associations of the

subscription code to multiple telephone numbers...”.

As discussed above in regards to independent claims 31 and 36, the combination of Masek and Riskin fails to describe “storing the subscription codes in a look up table” and “...retrieving a plurality of telephone numbers from a look up table containing associations of the subscription code to multiple telephone numbers...”

Crockett is concerned with using constraint and preference rules including a bias factor to direct calls to call centers and does not address storing the subscription codes in a look up table...[and] retrieving a telephone number from the look up table containing associations of the subscription code to multiple telephone numbers. Crockett more specifically describes making the call routing decision by starting with a list of valid destinations and applying a rule until a unique destination has been selected. (Col. 5, l. 54-65). Applicant respectfully points out that Crockett specifically describes using percentages and biases as part of the selection rules and does not describe using a look up table. As such, Crockett fails to cure the deficiencies of Masek and Riskin.

Therefore, Applicant respectfully asserts that none of Masek, Riskin, Crockett or their combination describes storing the subscription codes in a look up table and retrieving a telephone number from the look up table containing associations of the subscription code to multiple telephone numbers. As such, the Office Action has failed to establish a prima facie conclusion of obviousness and Amended independent claim 39 is allowable over the combination of Masek, Riskin and Crockett for at least this reason. Amended independent claim 42 recites similar subject matter and is therefore allowable for at least the same reason. Claim 40 depends from an allowable independent claim 39 and is therefore allowable for at least this same reason.

Conclusion

Applicant asserts that the application including claims 31-33 and 36-42 is in condition for allowance. Applicant requests reconsideration in view of the amendment and remarks above and further requests that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due other than that to be paid in conjunction with the RCE. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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